



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2009 REGULAR SESSION

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HOUSE BILL NO. 100

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FRIDAY, FEBRUARY 13, 2009

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE March 6, 2009  
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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adair

AN ACT relating to the agricultural program trust fund, making an appropriation therefor, and declaring an emergency.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO READ AS FOLLOWS:

(1) The agricultural program trust fund is hereby created as a separate revolving fund to be administered by the Department of Agriculture.

(2) The fund shall consist of money deposited in the fund pursuant to Section 2 of this Act and any other proceeds from grants, contributors, appropriations, or other moneys available for purposes of the trust fund.

(3) Moneys in the fund shall be used for agricultural programs administered by the department.

(4) Notwithstanding KRS 45.229, any balance remaining in the fund at the end of a fiscal year shall not lapse. Any balance remaining at the end of a fiscal year shall be carried forward to the next fiscal year. Any interest earnings of the fund shall become part of the revolving fund and shall not lapse.

➔Section 2. KRS 186.050 is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines, and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine (9) passengers, including the operator, and pickup trucks and passenger vans which are not being used on a for-hire basis shall be eleven dollars fifty cents (\$11.50).

(2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for each motorcycle shall be nine dollars (\$9), and for each sidecar attachment, seven dollars (\$7).

(3) (a) All motor vehicles having a declared gross weight of vehicle and any towed unit of ten thousand (10,000) pounds or less, except those mentioned in

subsections (1) and (2) of this section and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) to (14) of this section, shall be eleven dollars and fifty cents (\$11.50).

- (b) All motor vehicles except those mentioned in subsections (1) and (2) of this section, and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (3)(a) and (4) to (14) of this section, shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00
26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-55,000	669.00
55,001-62,000	1,007.00
62,001-73,280	1,250.00
73,281-80,000	1,410.00

- (4) (a) Any farmer owning a truck having a gross weight of thirty-eight thousand (38,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate

that he is a farmer engaged in the production of crops, livestock, or dairy products, that he owns a truck of the gross weight of thirty-eight thousand (38,000) pounds or less, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for his farming operation, and the products grown on his farm.

(b) Any farmer owning a truck having a declared gross weight in excess of thirty-eight thousand (38,000) pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the registration receipt shall be considered to be a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed, and machinery used in operating his farm and the products grown on his farm.

(c) An initial applicant for, or an applicant renewing, his or her registration pursuant to this subsection, may at the time of application make a voluntary contribution to be deposited into the agricultural program trust fund established in Section 1 of this Act. The recommended voluntary contribution shall be set at ten dollars (\$10) and automatically added to the cost of registration or renewal unless the individual registering or renewing the vehicle opts out of contributing the recommended amount. The county clerk shall collect and forward the voluntary contribution to the cabinet for distribution to the Department of Agriculture.

(5) Any person owning a truck or bus used solely in transporting school children and school employees may have the truck or bus registered as a school bus and obtain a

1 license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in  
2 addition to other information required, an affidavit stating that the truck or bus is  
3 used solely in the transportation of school children and persons employed in the  
4 schools of the district, that he has caused to be printed on each side of the truck or  
5 bus and on the rear door the words "School Bus" in letters at least six (6) inches  
6 high, and of a conspicuous color, and the truck or bus will be used during the next  
7 twelve (12) months only for the purpose stated.

8 (6) Any church or religious organization owning a truck or bus used solely in  
9 transporting persons to and from a place of worship or for other religious work may  
10 have the truck or bus registered as a church bus and obtain a license for eleven  
11 dollars and fifty cents (\$11.50) by filing with the county clerk, in addition to other  
12 information required, an affidavit stating that the truck or bus will be used only for  
13 the transporting of persons to and from a place of worship, or for other religious  
14 work, and that there has been printed on the truck or bus in large letters the words  
15 "Church Bus," with the name of the church or religious organization owning and  
16 using the truck or bus, and that during the next twelve (12) months the truck or bus  
17 will be used only for the purpose stated.

18 (7) Any person owning a motor vehicle with a gross weight of fourteen thousand  
19 (14,000) pounds or less on which a wrecker crane or other equipment suitable for  
20 wrecker service has been permanently mounted may register the vehicle and obtain  
21 a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in  
22 addition to other information required, an affidavit that a wrecker crane or other  
23 equipment suitable for wrecker service has been permanently mounted on such  
24 vehicle and that during the next twelve (12) months the vehicle will be used only in  
25 wrecker service. If the gross weight of the vehicle exceeds fourteen thousand  
26 (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of  
27 this section. The gross weight of a vehicle used in wrecker service shall not include

1 the weight of the vehicle being towed by the wrecker.

2 (8) Motor vehicles having a declared gross weight in excess of eighteen thousand  
3 (18,000) pounds, which when operated in this state are used exclusively for the  
4 transportation of property within the limits of the city named in the affidavit  
5 hereinafter required to be filed, or within ten (10) miles of the city limits of the city  
6 if it is a city of the first, second, third, or fourth class, or within five (5) miles of its  
7 limits if it is a city of the fifth or sixth class, or anywhere within a county containing  
8 an urban-county government, shall not be required to pay the fee as set out in  
9 subsection (3) of this section, and in lieu thereof shall pay seventy-five percent  
10 (75%) of the fee set forth in subsection (3) of this section and shall be exempt from  
11 any fee charged under the provisions of KRS 281.752. Nothing in this section shall  
12 be construed to limit any right of nonresidents to exemption from registration under  
13 any other provisions of the laws granting reciprocity to nonresidents. Operations  
14 outside of this state shall not be considered in determining whether or not the  
15 foregoing mileage limitations have been observed. When claiming the right to the  
16 reduced fee, the applicant's signature on the certificate of registration and ownership  
17 shall constitute a certification or affidavit stating that the motor vehicle when used  
18 within this state is used only for the transportation of property within the city to be  
19 named in the affidavit and the area above set out and that the vehicle will not be  
20 used outside of a city and the area above set out during the current registration  
21 period.

22 (9) Motor vehicles having a declared gross weight in excess of eighteen thousand  
23 (18,000) pounds, which are used exclusively for the transportation of primary forest  
24 products from the harvest area to a mill or other processing facility, where such mill  
25 or processing facility is located at a point not more than fifty (50) air miles from the  
26 harvest area or which are used exclusively for the transportation of concrete blocks  
27 or ready-mixed concrete from the point at which such concrete blocks or ready-

1 mixed concrete is produced to a construction site where such concrete blocks or  
2 ready-mixed concrete is to be used, where such construction site is located at a point  
3 not more than thirty (30) air miles from the point at which such concrete blocks or  
4 ready-mixed concrete is produced shall not be required to pay the fee as set out in  
5 subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent  
6 (75%) of the fee set out in subsection (3) of this section and shall be exempt from  
7 any fee charged under the provisions of KRS 281.752. The applicant's signature  
8 upon the certificate of registration and ownership shall constitute a certification that  
9 the motor vehicle will not be used during the current registration period in any  
10 manner other than that for which the reduced fee is provided in this section.

11 (10) Any owner of a commercial vehicle registered for a declared gross weight in excess  
12 of eighteen thousand (18,000) pounds, intending to transfer same and desiring to  
13 take advantage of the refund provisions of KRS 186.056(2), may reregister such  
14 vehicle and obtain a "For Sale" certificate of registration and ownership for one  
15 dollar (\$1). Title to a vehicle so registered may be transferred, but such registration  
16 shall not authorize the operation or use of the vehicle on any public highway. No  
17 refund may be made under the provisions of KRS 186.056(2) until such time as the  
18 title to such vehicle has been transferred to the purchaser thereof. Provided,  
19 however, that nothing herein shall be so construed as to prevent the seller of a  
20 commercial vehicle from transferring the registration of such vehicle to any  
21 purchaser thereof.

22 (11) The annual registration fee for self-propelled vehicles containing sleeping or eating  
23 facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be  
24 designated "Recreational vehicle." The foregoing shall not include any motor  
25 vehicle primarily designed for commercial or farm use having temporarily attached  
26 thereto any sleeping or eating facilities, or any commercial vehicle having sleeping  
27 facilities.

1 (12) The registration fee on any vehicle registered under this section shall be increased  
2 fifty percent (50%) when the vehicle is not equipped wholly with pneumatic tires.

3 (13) (a) The Department of Vehicle Regulation is authorized to negotiate and execute  
4 an agreement or agreements for the purpose of developing and instituting  
5 proportional registration of motor vehicles engaged in interstate commerce, or  
6 in a combination of interstate and intrastate commerce, and operating into,  
7 through or within the Commonwealth of Kentucky. The agreement or  
8 agreements may be made on a basis commensurate with, and determined by,  
9 the miles traveled on, and use made of, the highways of this Commonwealth  
10 as compared with the miles traveled on and use made of highways of other  
11 states, or upon any other equitable basis of proportional registration.  
12 Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate  
13 administrative regulations concerning the registration of motor vehicles under  
14 any agreement or agreements made under this section and shall provide for  
15 direct issuance by it of evidence of payment of any registration fee required  
16 under such agreement or agreements. Any proportional registration fee  
17 required to be collected under any proportional registration agreement or  
18 agreements shall be in accordance with the taxes established in this section.

19 (b) Any owner of a commercial vehicle who is required to title his motor vehicle  
20 under this section shall first title such vehicle with the county clerk pursuant  
21 to KRS 186.020 for a state fee of one dollar (\$1). Title to such vehicle may be  
22 transferred; however title without proper registration shall not authorize the  
23 operation or use of the vehicle on any public highway. Any commercial  
24 vehicle properly titled in Kentucky may also be registered in Kentucky, and,  
25 upon payment of the required fees, the department may issue an apportioned  
26 registration plate to such commercial vehicle.

27 (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which



1 vehicle is subject to apportioned registration, as provided in paragraph (a) of  
2 this subsection, may be registered in Kentucky, and, upon proof of proper title,  
3 and payment of the required fees, the department may issue an apportioned  
4 registration plate to the commercial vehicle. The department shall promulgate  
5 administrative regulations in accordance with this section.

6 (14) Any person seeking to obtain a special license plate for an automobile that has been  
7 provided to him pursuant to an occupation shall meet both of the following  
8 requirements:

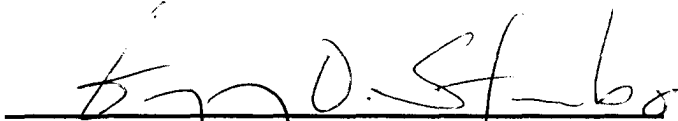
9 (a) The automobile shall be provided for the full-time exclusive use of the  
10 applicant; and

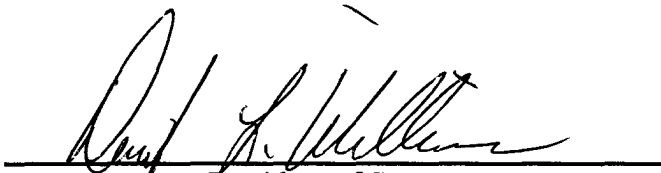
11 (b) The applicant shall obtain permission in writing from the vehicle owner or  
12 lessee on a form provided by the cabinet to use the vehicle and for the vehicle  
13 to bear the special license plate.

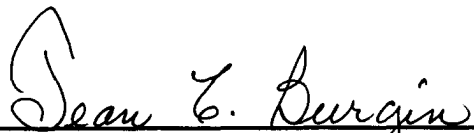
14 (15) An applicant for any motor vehicle registration issued pursuant to this section shall  
15 have the opportunity to make a donation of two dollars (\$2) to promote a hunger  
16 relief program through specific wildlife management and conservation efforts by the  
17 Department of Fish and Wildlife Resources in accordance with KRS 150.015. If an  
18 applicant elects to make a contribution under this subsection, the two dollar (\$2)  
19 donation shall be added to the regular fee for any motor vehicle registration issued  
20 pursuant to this section. One (1) donation may be made per issuance of each  
21 registration. The fee shall be paid to the county clerk and shall be transmitted by the  
22 State Treasurer to the Department of Fish and Wildlife Resources to be used  
23 exclusively for the purpose of wildlife management and conservation activities in  
24 support of hunger relief. The county clerk may retain up to five percent (5%) of the  
25 fees collected under this subsection for administrative costs associated with the  
26 collection of this donation. Any donation requested under this subsection shall be  
27 voluntary and may be refused by the applicant at the time of issuance or renewal of

1 a license plate.

2 ➔Section 3. Whereas registration of farm trucks occurs early in the year and the  
3 Department of Agriculture wants this effort in place for that early registration period, an  
4 emergency is declared to exist, and this Act takes effect upon its passage and approval by  
5 the Governor or upon it otherwise becoming a law.

  
Speaker-House of Representatives

  
President of Senate

Attest:   
Chief Clerk of House of Representatives

Approved   
Governor

Date March 6, 2009